



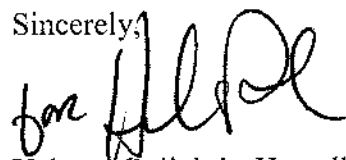
conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to the appropriate Agency (see 40 C.F.R. §7.120(d)(1)). For a complaint to be accepted for investigation, the complaint must meet all of the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing (see 40 C.F.R. §7.120(b)(1)). Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act (see 40 C.F.R. §7.120(b)(2)). Finally, the complaint must be filed against an applicant for, or a recipient of, the EPA's financial assistance that allegedly committed the discriminatory act (see 40 C.F.R. § 7.15). For your reference, we have enclosed a copy of the EPA's nondiscrimination regulations.

After careful review, OCR is rejecting the complaint because it does not meet all of the jurisdictional requirements described in the EPA's nondiscrimination regulations. As stated in the jurisdictional requirements, allegations of discrimination will only be accepted for investigation if the complaint is filed against a recipient of EPA financial assistance. As of the date of submission of the complaint (and of this date), the City of Greenup does not receive financial assistance from the EPA. Another jurisdictional requirement is that the complaint must be filed within 180 calendar days of the alleged discriminatory act. Because the City of Greenup took final action on the stream construction permit on November 13, 2007, and the complaint was not filed with DOJ until August 4, 2011, the allegation against the City of Greenup is untimely, as well.

Although the EPA has jurisdiction over KY DEP as KY DEP is a recipient of EPA's financial assistance, the allegation regarding KY DEP is also untimely. KY DEP issued the stream construction permit on November 1, 2007, and, as noted above, the complaint was filed with DOJ on August 4, 2011. Therefore, OCR is rejecting the complaint against KY DEP because the complaint was not filed within 180 calendar days of the alleged discriminatory act.

If you have any questions, please contact Jonathan Stein at (202) 564-2088, via e-mail at [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov).

Sincerely,



Velveta Golightly-Howell  
Director

Enclosure

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